

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION)	
OF THE FUEL ADJUSTMENT CLAUSE OF)	
EAST KENTUCKY POWER COOPERATIVE,)	CASE NO.
INC. FROM NOVEMBER 1, 2014 THROUGH)	2017-00002
OCTOBER 31, 2016)	

ORDER

On February 24, 2017, Eastern Kentucky Power Cooperative (“EKPC”) filed a petition pursuant to KRS 61.878 and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential protection to the identified portions of the Response to Request Number 25 and the Response to Request Number 32 contained in the Commission’s Order of February 6, 2017, Appendix B.

Specifically, EKPC seeks confidential treatment of: (1) its bid tabulation sheets (Response No. 25); and (2) its Fuel and Admissions Department Procurement Manual, its Policy No. 404 on Transaction Authority Limits for Energy and Energy Related Commodities and Transportation, and its Policy No. 405 on Hedging (“Response No. 32”).

As the basis for its request, EKPC states that public disclosure of Response No. 25 and Response No. 32 would give possible vendors and competitors a competitive advantage which could result in higher rates for EKPC Members. EKPC requests that this information remain confidential for ten years.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Response No. 25 and Response No. 32 is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. EKPC's petition for confidential protection for Response No. 25 and Response No. 32 is granted and the information shall not be placed in the public record or made available for public inspection for a period of ten years or until further Orders of this Commission.

2. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

3. EKPC shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

4. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

5. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow EKPC to seek a remedy afforded by law.

By the Commission



ATTEST:


Acting Executive Director

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